IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8067 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PAGI MUKESHKUMAR SAGRAMBHAI

Versus

DIRECTOR OF PRIMARY EDUCATION

Appearance:

MR CL SONI for the Petitioner.
GOVERNMENT PLEADER for Respondent No. 1
MR HS MUNSHAW for Respondent No. 2
MR PK JANI for Respondent No. 3
DELETED for Respondent No. 4

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 03/07/2003

ORAL JUDGEMENT

By filing this petition, it is prayed by the

petitioner that it may be declared that the petitioner is eligible for getting appointment to the post of Vidya Sahayak. He has also prayed that the decision taken by the respondent No.2 in not considering the case of the petitioner as eligible for the post of Vidya Sahayak on the ground that the institution, from which he has taken training of Art Teacher Diploma is not recognised by the National Council for Teacher Education, Bhopal ("NCTE", for short), be quashed and set aside. It is also prayed that directions may be given to the respondent No.2, asking him to call the petitioner for interview for the post of Vidya Sahayak.

The case of the petitioner is that he had undergone the course, known as "Art Teacher Diploma Training Course", from one Smt. Rajul Vinaychandra Shah College of Fine Arts, Dholka. On behalf of the petitioner, it is also submitted by Mr.Soni that the said institution has already applied for registration to the respondent No.3-Institution. It is submitted that, earlier this Court has taken the view that if any such application for registration is made by such institution, then, the candidate, who has completed the course from such institution, should be held eligible for the purpose of appointment to the post of Vidya Sahayak.

Mr. Soni, learned Advocate for the petitioner, has relied upon the decision of this Court dated 9.5.2003, rendered in Special Civil Application No.5243 of 2003. In the said petition, the petitioner No.1 of that petition had taken training from this very institution, i.e. Smt. Rajul Vinaychandra Shah College of Fine Arts, Dholka. It is also conceded by Mr.Jani, who is appearing for the respondent No.3, that such institution has already applied for registration and that application is pending. Similar statement was made by him in Special Civil Application No.5243 of 2003. Initially, at the admission stage, the petitioner had already joined the said institution, but since nobody was appearing for respondent No.4 at the time of admitting the matter, Mr.Soni has deleted the said institution. However, since it is not in dispute that the said institution has already applied for registration to respondent No.3, this petition is required to be disposed of on the same lines in which the earlier petitions have been disposed of by this court.

Since this matter is also squarely covered by the said judgment in Special Civil Application No.5243 of 2003, and other cognate matters, this petition is also required to be allowed on the same lines. The petition

is accordingly partly allowed. It is held that the petitioner is eligible for being considered for appointment under the concerned District Primary Education Committee for the post of Vidya Sahayak.

Rule is accordingly made absolute.

3rd July, 2003 (P.B. Majmudar, J.)

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(apj)